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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 XIANGBIN LONG,
12 Plaintiffs,
13 v.
14 WELLS FARGO BANK, N.A., *et al.*
15 Defendants.

Case No. 2:24-cv-02402 CV (KESx)

**ORDER TO SHOW CAUSE WHY
THIS ACTION SHOULD NOT BE
DISMISSED WITHOUT
PREJUDICE FOR LACK OF
SUBJECT MATTER JURISDICTION**

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18 Federal courts are courts of “limited jurisdiction,” possessing “only that power
19 authorized by the Constitution and statute[.]” *Kokkonen v. Guardian Life Ins. Co. of Am.*,
20 511 U.S. 375, 377 (1994); U.S. Const. art. III, § 2, cl. 1. District courts are presumed to
21 lack jurisdiction unless the contrary appears affirmatively from the record. *See*
22 *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n. 3 (2006). Additionally, federal
23 courts have an obligation to examine jurisdiction sua sponte before proceeding to the
24 merits of a case. *See Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999). When
25 a district court determines that there is no subject matter jurisdiction in a non-removal
26 case, dismissal without prejudice is appropriate. *See Wasson v. Brown*, 316 F. App’x 663,
27 664 (9th Cir. 2009); *Parker v. Ebay*, No. CV 24-1863-JFW (JCx), 2024 WL 1484598, at
28 *2 (C.D. Cal. Apr. 5, 2024).

1 Plaintiff Xiangbin Long's ("Plaintiff") First Amended Complaint (Doc. # 33,
2 "FAC") does not establish jurisdiction based on diversity of citizenship. "The district
3 courts shall have original jurisdiction of all civil actions where the matter in controversy
4 exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between –
5 citizens of different States[.]" 28 U.S.C. § 1332(a)(1). Plaintiff has not alleged that the
6 amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and
7 costs. The amount in controversy is not "facially evident" from the pleading, and
8 "[c]onclusory allegations as to the amount in controversy are insufficient." *Matheson v.*
9 *Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090-91 (9th Cir. 2003). Nor can Plaintiff
10 establish jurisdiction based on a federal question, as the FAC includes only two claims,
11 both based on California law. *See* 28 U.S.C. § 1331 ("The district courts shall have
12 original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of
13 the United States.").

14 Accordingly, the parties are ORDERED TO SHOW CAUSE, in writing only,
15 within fourteen (14) days from the date of this Order, why this action should not be
16 dismissed without prejudice for lack of subject matter jurisdiction. Responses shall be
17 limited to ten (10) pages in length.

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19 **IT IS SO ORDERED.**

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21 DATED: 7/7/25

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23 HON. CYNTHIA VALENZUELA
24 DISTRICT COURT OF THE DISTRICT OF COLUMBIA
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